

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ANTON PAUL DRAGO, AKA Evan  
Joseph Fogarty,

Defendant-Appellant.

Case No. 2:13-cr-00334-JCM-CWH-1

ORDER

Presently before the court is the government's motion to dismiss petitioner Anton Drago's motion to vacate, amend, or correct his sentence pursuant to 28 U.S.C. § 2255. (ECF No. 238).

Petitioner passed away on August 10, 2020. (ECF Nos. 237, 238). This court thus grants the government's motion to dismiss the remaining motion as moot. *See Garceau v. Woodford*, 399 F.3d 1101 (9th Cir. 2005).

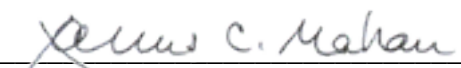
Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the government's motion to dismiss (ECF No. 238) be, and the same hereby is GRANTED.

IT IS FURTHER ORDERED that petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (ECF No. 211) be, and the same hereby is, DENIED as moot.

The clerk is directed to enter separate civil judgment denying petitioner's § 2255 motion in the matter of *Drago v. USA*, case number 2:20-cv-00392-JCM.

DATED September 25, 2020.

  
UNITED STATES DISTRICT JUDGE